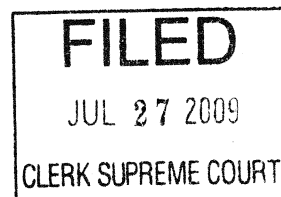


**IN THE SUPREME COURT OF IOWA**

ORDER

**IN THE MATTER OF IOWA COURT RULES**

**35.19, 35.20, AND 35.21**



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By action of this court, Iowa Court Rules 35.19, 35.20, and 35.21 are amended as shown in the attached document, effective immediately.

Dated this 27<sup>th</sup> day of July, 2009.

THE SUPREME COURT OF IOWA

By Marsha Ternus  
Marsha Ternus, Chief Justice

## CHAPTER 35

### ATTORNEY DISCIPLINE AND REINSTATEMENT

**Rule 35.19 Suspension of attorney's license for failure to comply with a support order.** An attorney who fails to comply with a support order may be subject to a suspension of the attorney's license to practice law in Iowa.

**35.19(1) Procedure.** The child support recovery unit (the unit) shall file any certificate of noncompliance with a support order which involves an attorney with the ~~clerk of the supreme court~~ by filing the certificate with the office of professional regulation of the supreme court at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the ~~clerk~~ director of the office of professional regulation of the supreme court shall issue a notice to the attorney. The following rules shall apply and shall be recited in the notice:

a. The attorney's license to practice law will be suspended unless the attorney causes the unit to file a withdrawal of certificate of noncompliance within 30 days of the date of issuance of the notice.

b. The attorney may challenge the supreme court's action under this rule only by filing an application for hearing with the district court in the county in which the underlying support order is filed.

c. The application for hearing must be filed with the district court clerk within 30 days of the date of issuance of the notice, and copies of the application must be provided to the unit and the ~~supreme court clerk~~ office of professional regulation of the supreme court by regular mail.

d. The filing of the application shall automatically stay the supreme court's action on the certificate of noncompliance.

e. The provisions of this rule shall prevail over those of any other statute or rule to the extent they may conflict.

**35.19(2) District court hearing.**

a. Upon receipt of an application for hearing by the attorney, the clerk of the district court shall schedule a hearing to be held within 30 days of the date of filing of the application. The clerk shall mail copies of the order setting hearing to the obligor, the unit, and the ~~clerk of the supreme court~~ office of professional regulation of the supreme court.

b. Prior to the hearing, the district court shall receive a certified copy of the unit's written decision and certificate of noncompliance from the unit and a certified copy of the notice from the ~~clerk of the supreme court~~office of professional regulation of the supreme court.

c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance shall be lifted.

d. The district court's scope of review shall be limited to determining if there has been a mistake of fact relating to the attorney's support delinquency. The court shall not consider visitation or custody issues, and shall not modify the support order.

e. If the district court concludes the unit erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of certificate of noncompliance, the court shall order the unit to file a withdrawal of certificate of noncompliance with the ~~clerk of the supreme court~~office of professional regulation of the supreme court.

**35.19(3) *Noncompliance certificate withdrawn.*** If a withdrawal of certificate of noncompliance is filed, the supreme court shall curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, shall immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible under rules of the court.

**35.19(4) *Sharing information.*** Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, ~~the clerk of the supreme court and the~~ director of the office of professional regulation of the supreme court ~~are~~is authorized to share information with the unit for the sole purpose of allowing the unit to identify licensees subject to enforcement under Iowa Code chapter 252J or 598.

**Rule 35.20 Suspension of attorney's license for failure to comply with an obligation owed to or collected by the College Student Aid Commission.** An attorney who defaults on an obligation owed to or collected by the College Student Aid Commission may be subject to a suspension of the attorney's license to practice law in Iowa.

**35.20(1) *Procedure.*** The College Student Aid Commission (the commission) shall file any certificate of noncompliance which involves an attorney with the ~~clerk of the supreme court~~ by filing the certificate with the

the office of professional regulation of the supreme court at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the ~~clerk~~ director of the office of professional regulation of the supreme court shall issue a notice to the attorney. The following rules shall apply and shall be recited in the notice:

a. The attorney's license to practice law will be suspended unless the attorney causes the commission to file a withdrawal of certificate of noncompliance within 30 days of the date of issuance of the notice.

b. The attorney must contact the commission to schedule a conference or to otherwise obtain a withdrawal of the certificate of noncompliance.

c. The attorney may challenge the supreme court's action under this rule only by filing an application for hearing with the district court in the attorney's county of residence.

d. The application for hearing must be filed with the district court clerk within 30 days of the date of issuance of the notice, and copies of the application must be provided to the commission and the ~~supreme court clerk~~ office of professional regulation of the supreme court by regular mail.

e. The filing of the application shall automatically stay the supreme court's action on the certificate of noncompliance.

f. The provisions of this rule shall prevail over those of any other statute or rule to the extent they may conflict.

**35.20(2)** *District court hearing.*

a. Upon receipt of an application for hearing by the attorney, the clerk of district court shall schedule a hearing to be held within 30 days of the date of filing of the application. The clerk shall mail copies of the order setting hearing to the attorney, the commission, and the ~~clerk of the supreme court~~ office of professional regulation of the supreme court.

b. Prior to the hearing, the district court shall receive a certified copy of the commission's written decision and certificate of noncompliance from the commission and a certified copy of the notice from the ~~clerk of the supreme court~~ office of professional regulation of the supreme court.

c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance shall be lifted.

d. The district court's scope of review shall be limited to determining if there has been a mistake of fact relating to the attorney's delinquency.

e. If the district court concludes the commission erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of the certificate of noncompliance, the court shall order the commission to file a withdrawal of the certificate of noncompliance with the ~~clerk of the supreme court~~ office of professional regulation of the supreme court.

**35.20(3)** *Noncompliance certificate withdrawn.* If a withdrawal of certificate of noncompliance is filed, the supreme court shall curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, shall immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible under rules of the court.

**Rule 35.21 Suspension of attorney's license for failure to comply with an obligation owed to or collected by the centralized collection unit of the department of revenue.**

**35.21(1)** *Procedure.* The centralized collection unit of the department of revenue (the unit) shall file any certificate of noncompliance which involves an attorney with the ~~clerk of the supreme court~~ by filing the certificate with the office of professional regulation of the supreme court at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the ~~clerk~~ director of the office of professional regulation of the supreme court shall issue a notice to the attorney. The following rules shall apply and shall be recited in the notice:

a. The attorney's license to practice law will be suspended unless the attorney causes the unit to file a withdrawal of the certificate of noncompliance within 30 days of the date of issuance of the notice.

b. The attorney must contact the unit to schedule a conference or to otherwise obtain a withdrawal of the certificate of noncompliance.

c. The attorney may challenge the supreme court's action under this rule only by filing an application for hearing with the district court in the county where the majority of the liability was incurred.

d. The application for hearing must be filed with the clerk of the district court within 30 days of the date of issuance of the notice, and copies of the application must be provided to the unit and the office of professional regulation of the supreme court~~clerk of the supreme court~~ by regular mail.

e. The filing of the application shall automatically stay the supreme court's action on the certificate of noncompliance.

f. The provisions of this rule shall prevail over those of any other statute or rule to the extent they may conflict.

**35.21(2)** *District court hearing.*

a. Upon receipt of an application for hearing by the attorney, the clerk of the district court shall schedule a hearing to be held within 30 days of the date of filing of the application. The clerk shall mail copies of the order setting hearing to the attorney, the unit, and the clerk of the supreme court~~office of professional regulation of the supreme court~~.

b. Prior to the hearing, the district court shall receive a certified copy of the unit's written decision and certificate of noncompliance from the unit and a certified copy of the notice from the clerk of the supreme court~~office of professional regulation of the supreme court~~.

c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance shall be lifted.

d. The district court's scope of review shall be limited to demonstration of the amount of the liability owed or the identity of the person.

e. If the district court concludes the unit erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of the certificate of noncompliance, the court shall order the unit to file a withdrawal of the certificate of noncompliance with the clerk of the supreme court~~office of professional regulation of the supreme court~~.

**35.21(3)** *Noncompliance certificate withdrawn.* If a withdrawal of the certificate of noncompliance is filed, the supreme court shall curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, shall immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible under rules of the court.

**35.21(4)** *Sharing information.* Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, ~~the clerk of the supreme court and the~~ director of the office of professional regulation of the supreme court is are authorized to share information with the unit for the sole purpose of allowing the unit to identify licensees subject to enforcement under Iowa Code chapter 272D.